

S/N 09/139,163

#10  
PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: David R. Tushie et al.

Examiner: S. Baderman

Serial No.: 09/139,163

Group Art Unit: 2785

Filed: August 24, 1998

Docket: 457.003US2

SYSTEM AND APPARATUS FOR SMART CARD PERSONALIZATION

**TERMINAL DISCLAIMER**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir or Madam:

I, Sheryl Sue Holloway, am the attorney of record for the above-identified patent application as evidenced by the Revocation/Power of Attorney filed in the present application on August 24, 1998. I am making this petition on behalf of the assignee of the present invention, UBIQ Inc. As the attorney of record, I am empowered to act on behalf of the assignee and, in accordance with 37 C.F.R. § 1.321(b)(iv), to sign this terminal disclaimer.

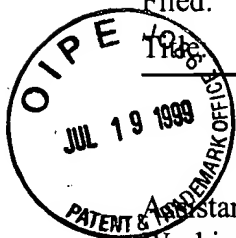
Certificate Under 37 C.F.R. §3.73(b)

Your petitioner, UBIQ Inc, certifies that they are the owner of the entire right, title, and interest in and to the above-identified patent application (Serial No. 09/139,163) and to U. S. Patent No. 5,889,941. Your petitioner owns the entire right, title, and interest of these applications by nature of the assignments executed and filed for both of these applications. The assignment for U. S. Patent No.5,889,941 was recorded on November 22, 1996, on Reel 8318, Frame 0343, with the United States Patent and Trademark Office. The above-identified patent application (Serial No.09/139,163) is a continuation of U.S. Patent No.5,889,941.

The undersigned representative of the assignee has reviewed the evidentiary documents of title and certifies that to the best of assignee's knowledge and belief, title is in the assignee, UBIQ Inc, seeking to take the action set forth in this disclaimer.

Terminal Disclaimer

Your petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified patent application, which could extend beyond the expiration date of the full statutory term, as presently shortened by any terminal disclaimers, of U. S. Patent No. 5,889,941. Petitioner hereby agrees that any patent so



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granted on the above-identified application shall be enforceable only for and during such period that the legal title to U.S. Patent No.5,889,941 and the legal title of the above-identified application and any patent granted thereon remain common, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors and assigns.

#### Limitations on the Disclaimer

Your petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of any patent which may be granted on U. S. Patent No.5,889,941 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration date of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title as stated hereinabove.

Fee Status

A check in the amount of \$55.00, which is required under 37 C.F.R. §1.20(d) to file a Terminal Disclaimer by a small entity, is enclosed herewith. The Commissioner of Patents and Trademarks is hereby authorized to charge any other fees which should be necessary to Deposit Account No. 19-0743.

Respectfully submitted,

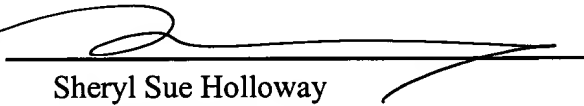
DAVID R. TUSHIE ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
(612) 373-6939

Date July 14, 1999

By

  
Sheryl Sue Holloway  
Reg. No. 37,850

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231 on July 14, 1999.

Sheryl Sue Holloway  
Name

  
Signature